

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Nautilus Insurance Company,

Plaintiff,

vs.

Elite Security & Protection Agency, LLC;
Theodore Thomas, Jr., individually and d/b/a
Elite Security & Protection Services; Ronald
Roberts; Stephen Douglas Livingston; Rodney
Aaron Carder; and Tuyet Nhung Tran, as
Personal Representative of the Estate of Thai
Quoc Tran,

Defendants.

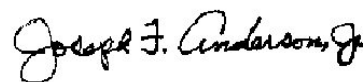
C/A No. 3:13-cv-01659-JFA

ORDER

In this declaratory judgment action, defendant Theodore Thomas, Jr., d/b/a Elite Security & Protection Services, (“Elite”) answered the complaint on August 5, 2013. ECF No. 12. On October 21, 2013, Elite filed a motion to amend the answer and to assert counterclaims. ECF No. 25. On the same date, Elite filed its amended answer without the opposing party’s written consent or leave from the court as required by Rule 15(a)(2) of the Federal Rules of Civil Procedure. ECF No. 26. In response, the plaintiff, Nautilus Insurance Company (“Nautilus”), filed a motion to strike the amended answer and a motion to dismiss the counterclaims within that amended answer. ECF Nos. 28, 31. On November 15, 2013, Elite filed what it labeled a motion to dismiss in which it withdrew its motion to amend the complaint and to assert counterclaims. ECF No. 32. Accordingly, this court hereby orders the amended answer stricken and finds as moot Nautilus’ motions to strike and to dismiss.

IT IS SO ORDERED.

November 19, 2013
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge